

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO: 7:08-CR-00063-BR

UNITED STATES OF AMERICA

v.

TYAUNKA SHOLONDA MURPHY

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ORDER

This matter is before the court on defendant's letter filed 27 February 2012. In that letter, defendant requests that the court order a fine payment plan of \$25.00 per quarter.

By amended judgment filed 5 August 2010, the court sentenced defendant to a term of imprisonment and ordered her to pay a fine in the amount of \$5500.00, "due in full immediately." (DE # 48, at 2, 5, 6.) In her letter, defendant states that she is "having a very difficult time paying [the] fine." (DE # 51.) She does not state whether she is making any payments as may be required by participation in the Bureau of Prison's ("BOP") Inmate Financial Responsibility Program ("IFRP").

To the extent defendant could be deemed to be requesting that the court impose a payment schedule of the fine in installments, such request is DENIED. See United States v. Lambert, 162 F. App'x 616, 617 (7th Cir. 2011) (unpublished) (holding there is no statutory basis for court to impose its own payment schedule once the court has ordered the fine due immediately in a lump sum). To the extent defendant is requesting the court to modify any payment schedule set by the BOP under the IFRP, defendant must make any such challenge by filing a habeas corpus petition pursuant to 28 U.S.C. § 2241 in the district in which she is

incarcerated, after having exhausted her administrative remedies, id. at 616-17; United States v. Diggs, 578 F.3d 318, 319-20 (5th Cir. 2009), and such request is DISMISSED WITHOUT PREJUDICE.

This 3 April 2012.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt
Senior U.S. District Judge